

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 are currently pending in the application; and Claims 1 and 5 are amended by the present amendment to correct minor informalities. No new matter is presented.

The amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering the amendments, canceling claims, complying with any requirement to form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment presents rejected claims in better form for consideration on appeal by correcting minor informalities in the claims. No new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

In the outstanding Official Action, Claims 1-6 were rejected under 35 U.S.C. § 102(e) as anticipated by Kusaba et al. (U.S. Patent No. 6,510,556, hereinafter "Kusaba").

The undersigned appreciatively acknowledges the courtesy extended by Examiner Refai and Primary Examiner ElHady by holding a personal interview with the undersigned on April 26, 2005. During the interview, a brief description of the invention was provided and the pending claims were discussed in light of references of record. The substance of the interview is reflected in the remarks below. No agreement was reached during the interview pending the formal submission of a response to the outstanding Official Action.

The outstanding Official Action asserts that Kusaba teaches all the elements of Claims 1 and 5. Applicants respectfully traverse this rejection.

Claim 1 relates to a content distribution method which includes sending a request from a distributor terminal apparatus to a reservation control apparatus over a first network to

gain access to a distribution server. The reservation control apparatus then sends the distributor terminal apparatus reservation information which is used to access the distribution server via an access server over a second network at a specific time, and over a specific channel. The distributor terminal apparatus uses the information received from the reservation control apparatus to send distribution content via the access server over the second network to the distribution server, which then transmits the content to client devices.

By adopting such a reservation system for live distribution, it is possible for many users of distributor terminal apparatuses to efficiently use the distribution server. Since the first network is used to make a reservation, high communication quality is not required and a general public network, for example, may be used. Alternatively, high network communication quality is required for the second network used to distribute content and a dedicated line, for example, may be used. The second network is not used to send/receive the reservation-related data, thus preventing an increase in the amount of traffic on the second network caused by transmission/reception of the reservation-related data. This reduces the amount of traffic of the second network and more reliably secures the communication path for content transmission between the distributor terminal apparatus and the distribution server.

During the interview, Examiner Refai expressed concern over the recitation of a “access server information”, in Claim 1. As depicted in Figs. 1 and 37, for example, this access server information relates to the dedicated server connection network that allows the user to transmit information to the streaming server over the second network. Therefore, this feature is believed to be sufficiently described and enabled by the present specification.

Turning to the applied reference, Kusaba describes a video distributing apparatus for storing video data and distributing the data to a viewer.<sup>1</sup> Specifically, Kusaba describes a

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<sup>1</sup> Kusaba at Abstract.

video distributing apparatus (111) which includes video server (101) which outputs a video image via an output line. The apparatus (111) also includes a storage (102) in which video images have been stored and a commander (106) used to issue a command to the video server (101). A scheduler (105) is also provided to accept a request from the outside and execute a scheduling operation.<sup>2</sup>

Therefore, Kusaba describes a video on demand system that includes a storage unit (102) and a video server (101) that distributes the video data stored in the storage unit (102) based on specific requests received from a user's personal computer (123) over an Internet connection. Using this system, a user can schedule specific viewing times for movies or other content over a satellite (13) television system, for example.

Applicant's respectfully submit that Kusaba's system differs from the claimed method in many respects, and that Kusaba fails to teach or suggest various features recited in amended Claim 1.

Specifically, Claim 1 recites, *inter alia*, a content distribution method, comprising:

“...sending to said reservation control apparatus, via a first network, a reservation request including a desired service time and a desired channel for distributing content using said distribution server from said distributor terminal apparatus...”

Kusaba describes that a reservation request can be sent from a personal computer (123) to a scheduler (125) to request the distribution of content from the video server (101) at a specific time.<sup>3</sup> The personal computer (123) of Kusaba, is the only component which describes a step of sending a reservation request. However, Claim 1 recites sending a reservation request from a distributor terminal apparatus for use of a specific channel used to distribute content *from* said distribution terminal apparatus. Therefore, the reservation request is sent from the distributor terminal apparatus to the reservation control apparatus to

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<sup>2</sup> Kusaba at col. 3, lines 10-16, and Fig. 1.

<sup>3</sup> Kusaba at Fig. 2.

allow the distributor terminal apparatus to distribute content to the distribution server. In contrast, Kusaba describes that the personal computer (123), is used only to request the distribution of content at a specific time to a receiver (122), and is not used to transmit content to a distribution server, as recited in Claim 1. In fact, at no point does Kusaba describe a component that both sends a reservation request for a resource and transmits content to the resource for which such a reservation was requested.

Further, Claim 1 recites, *inter alia*, a content distribution method, comprising:

“...determining an access server information for accessing the desired channel via a second network, which is different from the first network, when the reservation request is accepted”

It is unclear from the outstanding rejection which step in Kusaba corresponds to the step of determining an access server information. As discussed above, and as depicted in Figs. 1 and 37, for example, this access server information relates to the dedicated server connection network that allows the user to transmit information to the streaming server over the second network. Kusaba fails to teach or suggest this claimed feature.

Claim 1 further recites, *inter alia*, a content distribution method, comprising:

“...transmitting, via the first network from the reservation control apparatus to the distributor terminal apparatus, reservation setting information including a communication/connection information for the distributor terminal apparatus to establish a communication with the distribution server via said second network and distribute the content”

Since no content is distributed from the personal computer (123), as discussed above, the only component of Kusaba that may be considered as an apparatus that distributes content is the be the storage unit (102). Kusaba fails at any point to teach or suggest that storage unit (102) is capable of connecting to the video server (101) by any means other than a direct link between the two devices. The video server (101) is then connected to the scheduler, also by a single network connection. Therefore, it is impossible for the storage unit (102) to send a

reservation request to a reservation control apparatus via a first network and receive information including communication and connection information to establish connection with the distribution server via a second network, as recited in Claim 1. There is only one network connection to the storage device (102), and no other components of Kusaba may be construed as a distributor terminal apparatus for distributing content therefrom to a distribution server, as recited in Claim 1.

Finally, Claim 1 recites, *inter alia*, a content distribution method, comprising:

“...transmitting the content from the distributor terminal apparatus to the distribution server using the desired channel via said second network based on the communication/connection information and the access server information.”

It is unclear from the outstanding Official Action that any component of Kusaba is capable of sending a reservation request, via a first network, for the distribution of data via a distribution server through a second network, as recited in Claim 1. As discussed above, the personal computer (123) of Kusaba is capable of transmitting a distribution request to the scheduler (105). However, the personal computer (123) does not receive reservation control information to establish connection with a distribution server over a second network and distribute content. Also, the storage device (102) is capable of distributing content to a content server (101). However, the storage (102) does not send a request to a reservation control apparatus via a first network to distribute data to a distribution server over a second network, as recited in Claim 1. Further, the video server of Kusaba fails to make any reservation requests or store any content to be distributed whatsoever.

Thus, Kusaba, based on no reasonable interpretation, can possibly teach or suggest the limitations recited in Claim 1.

Accordingly, Applicants respectfully request the rejection of Claim 1 under 35 U.S.C. § 102(e) be withdrawn. For substantially the same reasons as given with respect to amended


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Claim 1, Applicants respectfully submit that amended Claim 5 also patentably defines over Kusaba.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-6 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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